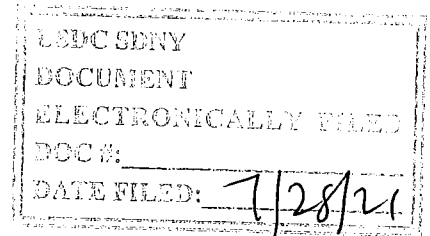


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



VINCENZO OPPEDISANO,
Plaintiff,

v.

LYNDA ZUR,
Defendant.

ORDER

20 CV 5395 (VB)

Defendant having filed a motion to dismiss, or in the alternative, to transfer venue (Doc. #18), it is hereby ORDERED:

1. The motion to dismiss for lack of personal jurisdiction and improper venue is DENIED.

2. The motion to transfer this action to the United States District Court for the Southern District of Florida is DENIED.

3. The motion to dismiss causes of action one through five for failure to state a claim is DENIED.

4. The motion to dismiss cause of action ten for failure to state a claim is GRANTED. Cause of action ten, for the imposition of a constructive trust, is DISMISSED WITHOUT PREJUDICE.

5. By separate order, the Court will schedule an initial conference for **September 2, 2021, at 2:30 p.m.**, at which time the Court will issue a bench ruling explaining the basis for its decision. In consideration of defense counsel's out of town status, this conference will be conducted by telephone. Counsel for all parties shall use the following information to connect:

Dial-In Number: (888) 363-4749 (toll free) or (215) 446-3662

Access Code: 1703567

6. By **August 26, 2021**, counsel shall complete and file on the ECF docket their proposed Civil Case Discovery Plan and Scheduling Order.

7. The Clerk is instructed to terminate the motion. (Doc. #18).

Dated: July 28, 2021
White Plains, NY

SO ORDERED:

Vincent L. Briccetti, U.S.D.J.